

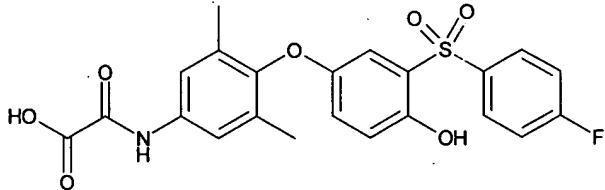
The claims under consideration are claims 9, 11, 12, and 16-22.

The correction on page 26 involves the correction in the title for step G of an error in the name of the product obtained. The title on page 26 was inadvertently omitted from preliminary amendment filed October 6, 2000 correcting name of the product of step G on page 26, lines 19 and 24.

Claim 20 has been cancelled in view of copending application No. 09/696,502, filed October 25, 2000, which is a continuation of the instant application and is herewith called to the Examiner's attention.

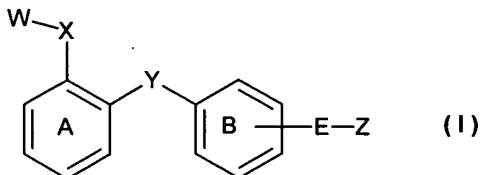
The applicant respectfully requests reconsideration of the rejection of claims 9, 11, 12, and 16-22 under 35 USC 103(a) over Arrowsmith et. al. (US Patent 5,776,951).

The instant claims (claims 9, 11, 12, 16-19, 21 and 22) all relate to the compound N-[4[3-(4-fluorobenzenesulfonyl)-4-hydroxyphenoxy]-3,5-dimethylphenyl]-oxamic acid of formula



which is claimed as such in claim 22 and is exemplified in example 26 on page 30 of the instant application.

Arrowsmith et al. discloses generically e.g. in claim 1 compounds of formula I



wherein X may be, inter alia, -N R<sup>1</sup>C(O); and wherein W is hydrogen, or C<sub>1-12</sub>hydrocarbyl group optionally substituted by one or more groups independently selected from halo, C<sub>1-4</sub>alkyl, C<sub>1-4</sub>alkoxy, hydroxy, C<sub>1-4</sub>haloalkyl, C<sub>1-4</sub>haloalkoxy, and RC(O)- (wherein R is selected from hydrogen, C<sub>1-4</sub>alkyl, C<sub>1-4</sub>alkoxy, hydroxy, C<sub>1-4</sub>haloalkyl, and C<sub>1-4</sub>haloalkoxy).

Since W is specified in Arrowsmith et al. to be a C<sub>1-12</sub>hydrocarbyl group substituted by RC(O), the RC(O)- radical cannot be attached directly to X (-NR<sup>1</sup>C(O)-), i.e., the two carbonyl groups have to be separated from each other by at least by one carbon atom. Therefore, W cannot represent RC(O)- as such, and no compounds of formula I wherein -X-W is an oxamic acid side chain (-NHC(O)C(O)OH) are encompassed by the generic scope of Arrowsmith et al.

Therefore, regardless of the nature of other groupings and contrary to the Examiner's conclusion, there is no issue of a positional isomer of any compounds disclosed by Arrowsmith et al. being involved in the instant claims.

In view of the above, it is respectfully submitted that the rejection applied under 35 USC 103(a) over Arrowsmith et al. is not warranted and should be withdrawn.

Reconsideration of the provisional nonstatutory double patenting rejection over copending application No. 09/702,634 is respectfully requested.

No claims in application No. 09/702,634 have been allowed.

Therefore, regardless of the merits, if the provisional double patenting rejection is now in fact the only rejection remaining in the instant application, the Examiner is respectfully requested to withdraw the rejection and permit the instant application to issue as a patent in accordance with MPEP 804 (full paragraph beginning at bottom of first column and first full paragraph in second column of page 800-15).

As to the Examiner's confirmation of the consideration of Applicant's citations listed on forms 1449, it has been noted that, for formal reasons, as explained by the Examiner in a telephonic communication with the undersigned, a line has been drawn through the citation, "US application 60/122,292". This is the U.S. priority document for WO 00/51971 (which was initialed as considered by the Examiner), and consideration thereof is respectfully requested. In this connection, the Examiner's attention is directed to the preliminary amendment dated October 23,

2000 in which its significance to the instant claims in conjunction with WO 00/51971 was presented. A copy of said preliminary Amendment is enclosed for the Examiner's convenience.

It is respectfully submitted that all the instant claims are believed to be in condition for allowance and such is earnestly solicited.

Respectfully submitted,

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Encl.: Appendix (marked-up version of the changes made)  
Copy of preliminary amendment dated 10/23/2000.